

Pennsylvania

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Pennsylvania's prison population had increased 12 percent between 2007 and 2011, which led to overcrowded prisons and plans to build new facilities. The state joined the Justice Reinvestment Initiative (JRI) and, with technical assistance from the Council of State Governments Justice Center (CSG Justice Center), determined that its population drivers included inefficiencies in prison-based programming, parole, and community corrections. The state's JRI legislation creates new sentencing guidelines for probation and parole revocations, expands recidivism-reducing programs, diverts low-level misdemeanants from prison, eliminates prerelease of parolees, revises parole board policies, and reduces processing delays. These reforms are projected to reduce the state's prison by more than 1,200 inmates, resulting in gross savings of \$139 million by 2018.¹ A portion of the savings will fund local law enforcement, probation and parole, and victims' services. Pennsylvania has reinvested \$43,000 from savings realized during the first months of implementation into the Pennsylvania Commission on Sentencing and into victims' services.

Impetus for Justice Reinvestment

Between 2007 and 2011, Pennsylvania's prison population grew by more than 5,600 inmates,² even as crime rates remained stable or declined. In 2011, state officials faced a stark reality: criminal justice spending had increased by 77 percent since 2001; the state had a projected \$4.5 billion deficit for FY 2012–13; and the prison population had filled prisons beyond capacity. Although the state had plans to create new prison beds, Pennsylvania leaders knew that was only a stopgap measure.³

Pennsylvania had attempted to enact comprehensive and permanent solutions to these long-standing problems in previous reform efforts. In 2007, the state began to work with the CSG Justice Center and the Pew Charitable Trusts to analyze criminal justice data and devise methods to reduce corrections population and cost drivers. The findings informed a set of policy options that culminated in a 2008 legislative package known as the Prison Reform Package, which was expanded in 2010. However, these legislative reforms did not have the intended effects; key legislative provisions were not completely implemented, few offenders were being diverted from prison, and the populations of state and county jails continued to swell.⁴

HIGHLIGHTS

- Pennsylvania's prison population grew 12 percent over four years.
- JRI legislation standardizes sentencing decisions for probation and parole revocations, expands in prison programming, diverts low-level misdemeanants from prison, eliminates prerelease of parolees, revises parole board policies, and reduces parole processing delays.
- Pennsylvania's JRI legislation is projected to reduce the prison population by 1,200 inmates by 2018.
- The state is expected to save \$139 million from reduced prison operating costs.
- The state reinvested \$43,000 in the Pennsylvania Commission on Sentencing and victims' services.

With the leadership of a newly elected governor, the support of a recently appointed Department of Corrections (DOC) secretary, and the momentum for change, the time was ripe in 2011 for a new approach to criminal justice reform. In January 2011, the governor submitted a request on behalf of the state to join JRI. Through JRI, the state hoped to find strategies to curb the projected prison population growth and spending, identify ways to divert offenders to community-based sanctions, and reduce recidivism, while at the same time maintaining public safety.⁵

Establish Interbranch Bipartisan Working Group

The CSG Justice Center began its technical assistance (TA) work in the spring of 2011. The TA provision followed a timeline set by the governor at a JRI kick-off event at the governor's mansion in January 2012; he requested that his office be provided with a set of JRI policy options in six months—a timeline that would allow a potential JRI bill to be included in that year's legislative budget cycle.⁶

The JRI working group met for the first time in January 2012 and then each month for the next four months. The working group was organized by the Pennsylvania Commission on Crime and Delinquency—an organization devoted to improving the criminal justice system in the state—and included representatives from the governor's office, cabinet agencies, probation and parole, Democratic and Republican lawmakers' offices, county officials, the courts, the Pennsylvania Commission on Sentencing, and other key agencies.⁷

Engage Stakeholders

In advance of these meetings, the CSG Justice Center met with JRI working group stakeholders to discuss, and correct any errors in data findings. In addition, the CSJ Justice Center convened focus group meetings with non-JRI working group stakeholders—including victims' service providers and advocate groups, parole agents, and chiefs of police—to receive additional input.⁸

Analyze Data and Identify Drivers

By May 2012, the working group had identified population and cost drivers and constructed a set of policy recommendations to address them. The data showed that counties were particularly overburdened by overcrowded jails and funding cuts, that offenders with minimum sentences of up to one year were being sent to prison but not completing prison-based programming, that parole inefficiencies were delaying parole granting and processing, that community corrections facilities were treating offenders of all risk levels rather than targeting those who stood to benefit most from treatment, and that victims were not being provided with adequate services.⁹

Develop Policy Options

The data analysis guided a set of policy options that would help reduce Pennsylvania's prison population: assist law enforcement by providing funding for data-driven crime prevention efforts, strengthen victims' services, offer counties financial support to expand community-based sanctions and treatment for offenders of different risk levels, identify and reduce inefficiencies in the parole process, eliminate the pre-release program for offenders not yet approved for parole, and use community-based facilities to hold and treat higher risk offenders transitioning to parole and parolees who commit technical violations.¹⁰

Codify and Document Changes

Many of the working group's policy recommendations were codified into law in two legislative vehicles: Senate Bill (SB) 100 and House Bill (HB) 135. SB 100 included the substantive JRI provisions, whereas HB135 outlined a funding framework to direct the reinvestment of JRI savings. SB 100, which was signed into law in July 2012, created new sentencing guidelines for probation and parole revocations, expanded existing programs designed to reduce recidivism, mandated that offenders convicted for the lowest level misdemeanor offenses not serve their sentences in prison, eliminated the pre-release program, revised parole board policies regarding sanctions for parole violators, and increased the use of technology to reduce processing delays, among other provisions.¹¹ The impact of these policies on the state's prison population is depicted in figure 1.

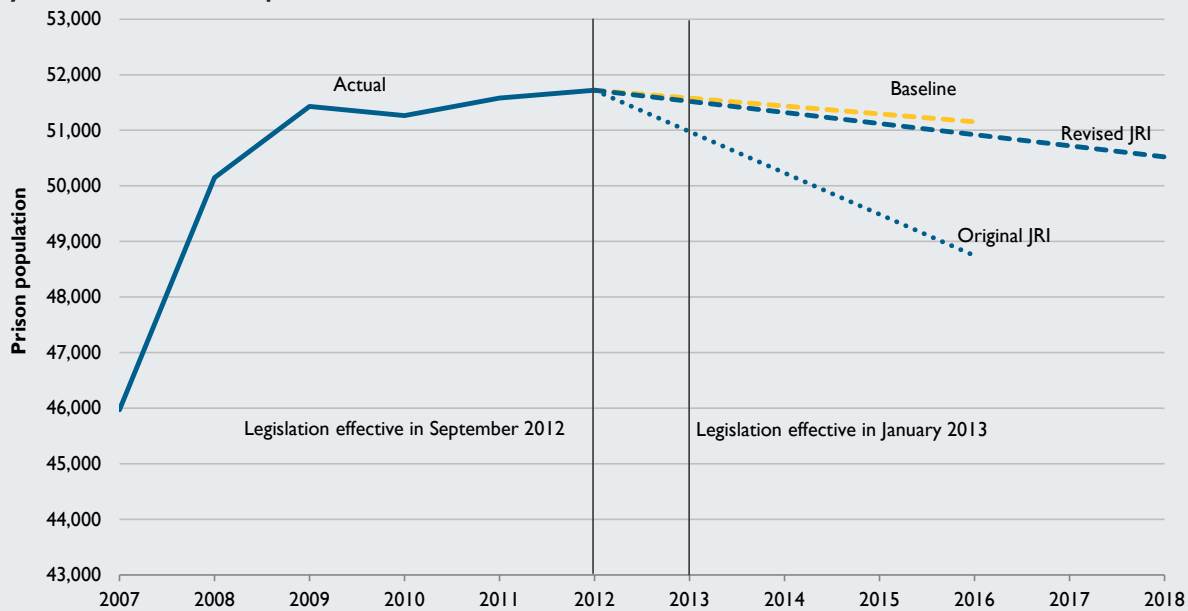
Had Pennsylvania implemented all of the policies proposed by the JRI working group, the state was expected to see its prison population reduced to 48,744 inmates by 2016.¹² The state's JRI legislation did not include all of the proposed policies, so the impact projections were revised accordingly. The policies included in SB 100 are expected to reduce the prison population by 1,200 inmates between 2013 and 2018.¹³

Implement Policy Changes

State officials are currently implementing the provisions of these two laws. They started by improving the collaboration between DOC and the Pennsylvania Board of Probation and Parole (PBPP) to improve reentry and community corrections and reduce the high parolee failure rate in Pennsylvania. These two agencies restructured Pennsylvania's

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FIGURE I
Pennsylvania Prison Population



Sources: Original JRI and baseline projections are from Council of State Governments (2012c). Actual population data are from Bureau of Justice Statistics' Prisoner Series.

Note: Dotted lines represent projections.

community corrections system, which was a network of private residential programs exclusively for parolees. Despite approximately \$100 million of state funding for these residential programs, a recent DOC study concluded that parolees who transitioned through a community corrections center had higher recidivism rates than parolees who returned directly home.¹⁴ In 2013, DOC rebid its contracts with these residential community corrections centers, requiring them to reduce recidivism or risk losing their contract.¹⁵

DOC has also issued bids for nonresidential services designed to fill gaps in community-based risk-reduction programs, including cognitive behavioral interventions, outpatient and intensive outpatient substance abuse treatment, sex offender treatment and monitoring, housing support, and employment readiness assistance, among others. Community corrections in Pennsylvania will now provide a range of services specifically focused on reducing recidivism and tied into PBPP's graduated responses to address parolee violation behavior.¹⁶

Reinvest Savings

The reductions in the prison operating costs, which are expected to result from the impact of SB 100 on the prison

population, were estimated to result in gross savings of \$139 million by 2018.¹⁷ Pennsylvania's second piece of JRI legislation, HB 135, which was signed into law in October 2012, codified a funding structure to expand victims services at the county and state level, and offered financial support to counties that were willing to increase the number of low-risk offenders (with minimum sentences of up to one year) housed in county facilities, use data-supported law enforcement strategies to prevent crime, and strengthen probation services.¹⁸ From savings realized during the first several months of implementation, Pennsylvania reinvested \$43,000 into its justice reinvestment fund, including \$12,000 for the Pennsylvania Commission on Sentencing and \$31,000 for victims' services.¹⁹

Measure Outcomes

In addition to the recent DOC recidivism report, Pennsylvania will measure important JRI outcomes with data that will be provided by the PBPP to enhance a set of existing metrics used to evaluate the offender population. These metrics will include the specific elements of justice reinvestment, and the data will be made available to the public via a web site hosted by the Pennsylvania Council on Crime and Delinquency.²⁰

Notes

1. Previous projections estimated the reduction of the prison population to be over 2,700 inmates, resulting in savings of \$254-260.5 million; however, these projections were revised after the passage of the JRI legislation because not all of the policies recommended by the state's JRI working group were enacted; Corbett, Tom. 2013. 2013-14 Governor's Executive Budget. Harrisburg, PA: Office of the Governor.; Markosek, Joe. 2013. *Primer for the House Appropriations Committee: Justice Reinvestment Initiative*. Harrisburg: Pennsylvania House Appropriations Committee.
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18. Pennsylvania House Bill 135, 2012.
19. Markosek, Joe. 2013. *Untangling 2013/14 PA Budget Revenue & Expenditures*. Harrisburg: Pennsylvania House Appropriations Committee.
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